IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 20733 of 2003

Dated : 22.8.2005

Between:

The Fishermen Coop. Society,

Kudakudavillage, rep. by its President.

.. Petitioner

and

The District Collector,

Nalgonda district & others.

.. Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 20733 of 2003

ORDER:

Assailing the proceedings No.790/03-B4/Panchayat, dated 16.9.2003 issued by the 2nd respondent insofar as fixing the upset price of Rs.42,000/- in respect of the Tanks situated in Kudakuda village, the present writ petition is filed.

The grievance of the petitioner society in this writ petition is that the 2nd respondent by impugned proceedings dated 16.9.2003 has fixed the tentative price of Rs.42,000/- for fishery culture for the year 2003-2004 in respect of six tanks situated in Kudakuda Gram Panchayat contrary to G.O.Ms.No.499 Panchayat Raj and Rural Development (Panchayat SA IV) Department dated 25.11.1998, whereunder the Government after careful consideration, instructed the District Collectors to constitute a Committee consisting of Divisional Panchayat Officer, Mandal Development Officer, Sarpanch of Gram Panchayat and Fisheries Development Officer for the purpose of fixing upset price in minor irrigation tanks and other sources vested in the Gram Panchayats.

The learned counsel for petitioner submits that no such procedure has been followed by the respondents in fixing the upset price and that instead of granting fishery rights to the local fishermen i.e. members of the petitioner society, the same is being auctioned in favour of third parties. He further states that the very fixing of upset price is illegal and contrary to the terms of G.O.Ms.No.499 dated 25.11.1998.

Heard the learned counsel for petitioner and the learned counsel for respondents.

While admitting the writ petition, this Court passed the following interim orders in W.P.M.P.No. 25951 of 2003 on 26.9.2003.

> "Pending further orders, it is directed that in case, the petitioner deposits an amount of Rs.42,000/- with the Gram Panchayat, Status quo obtaining as on today, in the matter of grant of fishery rights shall be maintained".

Since the petitioner has not complied with the said conditional orders by depositing the upset price of Rs.42,000/- within the time stipulated, the same has been vacated by order in W.V.M.P.No. 1321 of 2004 dated 1.6.2004. In view of the same, nothing survives for adjudication in this writ petition.

Accordingly, the writ petition is dismissed as having become infructuous. No costs.

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N.V.RAMANA, J

Date: 22.8.2005

DA/TVK

THE HON'BLE SRI JUSTICE N.V.RAMANA

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